### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Attorney Docket No. 14169US02)

In the Application of: Examiner: Blanche Wong

Jevhan Karaoguz et al. Group Art Unit: 2476

Serial No.: 10/606.565 Confirmation No.: 4707

Filed: June 26, 2003

For: METHOD AND SYSTEM FOR PROVIDING A MESH NETWORK USING A PLURALITY OF WIRELESS ACCESS POINTS (WAPS)

Transmitted via the Office electronic filing system June 25, 2010.

APPLICATION FOR RECONSIDERATION OF THE DETERMINATION OF PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b) ACCOMPANYING THE NOTICE OF ALLOWANCE (37 CFR § 1.705)

Commissioner for Patents P.O. Box 1450 Alexandria VA 22313-1450

Sir

The applicant respectfully requests reconsideration of the Determination of Patent Term Adjustment Under 35 U.S.C. 154(b) (PTOL-85) accompanying the Notice of Allowance mailed March 26, 2010, ("the Decision") to the extent indicated in the following discussion and the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR. This application for reconsideration of the Decision is being filed after the date of mailing of the Notice of Allowance and no later than the payment of the issue fee.

This application for reconsideration of the Decision is accompanied by the fee set forth in § 1.18(e) (\$200).

This application for reconsideration of the Decision includes below a statement of the facts involved in sufficient detail to allow the United States Patent and Trademark Office (USPTO) to reach the correct patent term adjustment respecting the disputed items.

The Applicant's calculation shows that the correct patent term adjustment should be 1145 days.

The bases under § 1.702 for the adjustment are as follows.

### Positive Patent Term Adjustment

### Three Year Guarantee (35 USC § 154(b)(1)(B))

The USPTO calculation of the patent term adjustment under the threeyear deadline for issuing a patent after its filing date was 0 days. The Applicant disagrees with this determination because the patent term adjustment on this ground should instead be 507 days, minus 0 days consumed by an appeal, for a net adjustment of 507 days.

Specifically, the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR shows that:

- the actual filing date of the application was June 26, 2003,
- the third anniversary of the actual filing date was June 26, 2006,
- the first request for continued examination of the application (RCE) under 35 USC 132(b) was filed on November 15, 2007;
- the first RCE was filed 507 days after the third anniversary of the actual filing date, which is the appropriate patent term adjustment on this ground.

### Reductions in Patent Term Adjustment

### Removing Overlap

 Two or more grounds of delay overlap for the following dates: from June 26, 2006, to March 21, 2007, totaling 268 days of delay. This overlap has been subtracted from the patent term adjustment in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR

### Three Months to Respond to Office actions (37 CFR § 1.704(b))

The applicant is contesting the following application(s) of 37 CFR § 1.704(b) to reduce the patent term adjustment in the present application.

### Period from September 12, 2009, to September 14, 2009

- The pertinent Office action was mailed on June 12, 2009.
- The date three months after the mailing date of the Office action is Saturday, September 12, 2009, (BEGIN DATE, stating day of the week and if it is a holiday))
- The response to the Office action was filed on Monday, September 14, 2009, (END DATE, stating day of the week)
- The reduction in the patent term adjustment proposed by the USPTO is 2 days.
- The Applicant's position is that the present Office action response filed on the first business day after a deadline falling on a weekend or holiday is not late, establishing the correct reduction in patent term adjustment is 0 days. The basis for this position is 37 CFR § 1.6(a)(1), which states in relevant part, "The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia," and 37 CFR § 1.7(a), which states in relevant part: "When the day, or the last day fixed by statute or by or under this part for taking any action or paying any fee in the United States. Patent and Trademark Office falls on Saturday, Sunday, or on a Federal holiday within the District of Columbia, the action may be taken, or the fee paid, on the next succeeding business day which is not a Saturday, Sunday, or a Federal holiday," In this case, 37 CFR § 1.7(a) is applicable because the last day set by statute (35 USC § 154(b)(2)(C)(ii)) for taking the action of filing a response to an Office action without being "deemed to have failed to engage in

reasonable efforts to conclude processing or examination of an application," falls on a Saturday, Sunday, or on a Federal holiday within the District of Columbia.

### Net Patent Term Adjustment

The changes requested by the Applicant to the USPTO patent term adjustment determination in the Decision are as follows:

### Three Year Guarantee (35 USC § 154(b)(1)(B))

	Patent Term Adjustment (days)
USPTO Calculation	0
Applicant Calculation	507

### Reductions in Patent Term Adjustment

### Removing Overlap

	Patent Term Adjustment (days)
USPTO Calculation	0
Applicant Calculation	268

### Three Months to Respond to Office actions (37 CFR § 1.704(b))

	Patent Term Adjustment (days)
USPTO Calculation	2
Applicant Calculation	0

### Conclusion

The Applicant requests modification of the patent term adjustment as indicated above. As shown in the enclosed modified version of the USPTO Patent Term Adjustment calculation on PAIR, the patent term adjustment proposed by the Applicant is thus 1145 days.

Please charge any fees or credit any overpayment of fees presently required to McAndrews, Held & Malloy, Ltd., Deposit Account No. 13-0017.

Respectfully submitted,

McANDREWS, HELD & MALLOY, LTD.

Dated: June 25, 2010

By: /Hopeton S. Walker/ Hopeton S. Walker Reg. No. 64,808

Reg. No. 64,808 Attorney for Applicants

McANDREWS, HELD & MALLOY, LTD. 500 West Madison Street Chicago, Illinois 60661 Telephone: (312) 775-8000

Ser. No.	10/606,565	Docket No. 1 PTO Calculation	14169US02 on	Applicant Calculation	ulation
DATE	EVENT	PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
Tuesday, October 05, 2010	Projected issue date				
Friday, March 26, 2010	Mail Notice of Allowance				
Thursday, March 25, 2010	Document Verification				
	Notice of Allowance Data				
Thursday, March 25, 2010	Verification Completed				
	Disposal for a RCE / CPA /				
Tuesday, March 23, 2010	R129				
	Information Disclosure				
Monday, March 22, 2010	Statement considered				
	Information Disclosure				
Monday, March 22, 2010	Statement (IDS) Filed				
	Electronic Information				
Monday, March 22, 2010	Disclosure Statement				
	Request for Continued				
Monday, March 22, 2010	Examination (RCE)				
	Workflow - Request for RCE -				
Monday, March 22, 2010	Begin				
Wednesday, February 24, 2010	Mail Notice of Allowance				
Wednesday, February 24, 2010	Document Verification				
	Notice of Allowance Data				
Tuesday, February 23, 2010	Verification Completed				
	Case Docketed to Examiner				
Tuesday, February 23, 2010	in GAU				
Tuesday February 16 2010	Date Forwarded to Examiner				
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Thursday, February 11, 2010	Amendment after Final Rejection				

Ser. No.	10/606,565	Docket No. 1. PTO Calculation	14169US02 on	Applicant Calculation	culation
DATE	EVENT	PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
Monday, December 21, 2009	Mail Final Rejection (PTOL - 326)				
Thursday, December 17, 2009	Final Rejection				
Wednesday, October 07, 2009	Date Forwarded to Examiner				
Wednesday, October 07, 2009	Case Docketed to Examiner in GAU		ф		4
Monday, September 14, 2009	Response after Non-Final Action		2		0
Saturday, September 12, 2009	Three months after Office action				
Friday, June 12, 2009	Mail Non-Final Rejection		4		÷
Thursday, June 11, 2009	Non-Final Rejection				
Thursday, April 09, 2009	Date Forwarded to Examiner				
Tilesday, February 24, 2009	Response after Non-Final				
Monday, November 24, 2008	Mail Non-Final Rejection				
Friday, November 21, 2008	Non-Final Rejection				
Sunday, October 05, 2008	Case Docketed to Examiner in GAU				
Tuesday, August 19, 2008	Date Forwarded to Examiner				
Tuesday, August 19, 2008	Date Forwarded to Examiner				
Tuesday, August 19, 2008	Disposal for a RCE / CPA / R129				

Ser. No.	10/606,565	Docket No. 1 PTO Calculation	Docket No. 14169US02 PTO Calculation	Applicant Calculation	culation
DATE	EVENT	PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
Monday August 11 2008	New or Additional Drawing				
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Monday, August 11, 2008	Examination (RCE)				
	Workflow - Request for RCE -				
Monday, August 11, 2008	Begin				
	Mail Final Rejection (PTOL -				
Monday, June 09, 2008	(326)				
Monday, June 09, 2008	Final Rejection				
Saturday, May 17, 2008	Date Forwarded to Examiner				
	Response after Non-Final				
Monday, April 28, 2008	Action #		31		31.00
	Request for Extension of				A CONTRACTOR OF THE PERSON OF
Monday, April 28, 2008	Time - Granted				
	Case Docketed to Examiner		1		
Friday, April 11, 2008	in GAU				
	Three months after Office				
Friday, March 28, 2008	action				
Friday, December 28, 2007	Mail Non-Final Rejection		43		¢.
Wednesday, December 26, 2007	Non-Final Rejection				
Tuesday, December 11, 2007	Date Forwarded to Examiner				
	Response after Non-Final				
rriday, Noverriber 50, 2007	Action				
Friday, November 30, 2007	New or Additional Drawing Filed				

Ser. No.	10/606,565	Docket No. 1 PTO Calculation	Docket No. 14169US02 PTO Calculation	Applicant Calculation	culation
DATE	EVENT	PTO Delay	Appl. Delay	PTO Delay	Appl. Delay
Friday, November 23, 2007	Mail Notice of Informal or Non-Responsive RCE Amendment				
Wednesday, November 21, 2007	Notice of Informal or Non- Responsive RCE Amendment.				
Wednesday, November 21, 2007	Date Forwarded to Examiner				
Wednesday, November 21, 2007	Date Forwarded to Examiner				
Wednesday, November 21, 2007	Disposal for a RCE / CPA / R129				
Thursday, November 15, 2007	New or Additional Drawing Filed				
Thursday, November 15, 2007	Request for Continued Examination (RCE)			507.00	
Thursday, November 15, 2007	Workflow - Request for RCE - Begin				
Thursday, October 04, 2007	Case Docketed to Examiner in GAU				
Monday, August 20, 2007	Mail Final Rejection (PTOL - 326)				
Friday, August 17, 2007	Final Rejection				State Sales
Thursday, June 21, 2007	Date Forwarded to Examiner				
Wednesday, June 20, 2007	Response after Non-Final Action				

Ser. No.	10/606,565	Docket No.	14169US02		
		PTO Calculation	uo	Applicant Calculation	
DATE	EVENT	PTO Delay	Appl. Delay	PTO Delay Appl. Delay	Delay
	Information Disclosure			1	
Monday, April 16, 2007	Statement considered				
	Information Disclosure				
Monday, April 16, 2007	Statement considered				
	Electronic Information				
Monday, April 16, 2007	Disclosure Statement				
	Information Disclosure				
Monday, April 16, 2007	Statement (IDS) Filed				
	Information Disclosure				
Monday, April 16, 2007	Statement (IDS) Filed				
	Information Disclosure				
Monday, April 16, 2007	Statement (IDS) Filed				
Wednesday, March 21, 2007	Mail Non-Final Rejection	937		937.00	
Monday, March 19, 2007	Non-Final Rejection	1		₼ -268.00	
	Case Docketed to Examiner	4		4	
Tuesday, February 27, 2007	in GAU			が大学というとなる。	
	Case Docketed to Examiner	4		4	
Thursday, November 16, 2006	in GAU				
	Case Docketed to Examiner	÷		*	
Thursday, October 05, 2006	in GAU				
Monday, June 26, 2006	Three year date	70000000000000000000000000000000000000			
	Case Docketed to Examiner				
Tuesday, March 21, 2006	in GAU				
	Miscellaneous Incoming				
Friday, January 07, 2005	Letter				
Thursday, August 26, 2004	14 month date	To The Second			
	IFW TSS Processing by Tech	÷		4	
Tuesday, July 06, 2004	Center Complete				

Ser. No.	10/606,565	Docket No. 1. PTO Calculation	14169US02	Applicant Calculation	ulation
DATE	EVENT	PTO Delay	Appl. Delay	PTO Delay	Appl. Delav
40	Case Docketed to Examiner in GAU	de .			
Friday, April 30, 2004	Transfer Inquiry to GAU	é		÷	
Friday, February 27, 2004	Case Docketed to Examiner in GAU	¢.		<b>*</b>	
Thursday, September 25, 2003	Application Return from OIPE	<b>#</b>		<b>6</b>	
Thursday, September 25, 2003	Application Return TO OIPE	6		<b>\$</b>	
Thursday, September 25, 2003	Application Return from OIPE	¢		<b>¢</b>	
Thursday, September 25, 2003	Application Is Now Complete	¢		<b>\( \)</b>	
Thursday, September 25, 2003	Application Is Now Complete	¢		<b>*</b>	
Wednesday, September 24, 2003 Application Return TO OIPE	Application Return TO OIPE	<b>*</b>		<b>*</b>	
Wednesday, September 24, 2003	Application Return from OIPE	<b>*</b>		<b>(</b> =	
Wednesday, September 24, 2003 Application Return TO OIPE	Application Return TO OIPE	œ.		<b>6</b>	
Wednesday, September 24, 2003 Application Return from OIPE	Application Return from OIPE	¢.		¢	
Wednesday, September 24, 2003	Application Is Now Complete	ŧ		<b>*</b>	
Pre-Exam ( Wednesday, September 24, 2003   Withdrawn	Pre-Exam Office Action Withdrawn	4		<b>6</b>	

PATENT TERM ADJUSTMENT SPREADSHEET

Ser. No.	10/606,565	Docket No. 14169US02	14169US02		
		PTO Calculation	u.	Applicant Calculation	lation
DATE	EVENT	PTO Delay Appl. Delay	Appl. Delay	PTO Delay	Appl.
		+			
Wednesday, September 24, 2003 Application Return TO OIPE	Application Return TO OIPE				
	Application Dispatched from	4		<b>*</b>	
Wednesday, September 24, 2003 OIPE	OIPE				
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Wednesday, September 24, 2003   Application Is Now Complete	Application Is Now Complete				
Wednesday, September 10, 2003 Cleared by OIPE CSR	Cleared by OIPE CSR	4		<b>*</b>	
	IFW Scan & PACR Auto	4		<b>4</b> _	
Tuesday, September 09, 2003	Security Review				
Thursday, June 26, 2003	Initial Exam Team nn	4		<b>é</b>	
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		(Days)	(Days)	(Days)	Ξ
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PTA	>>>>>>>>>>	904	904 Days	1145 Day	Day

llation	Appl. Delay							(Days)	31	1145 Days
Applicant Calculation	PTO Delay	<b>*</b>	<b>*</b>	<b>#</b> _	4	4	PTO	(Days)	1176	1145

10/606,565	SYSTEM AND METHOD FOR PROVIDING A MESH NETWORK USING A	06-25-
10/000,505	PLURALITY OF WIRELESS ACCESS POINTS (WAPS)	2010::12:16:59

Patent Term	Adjustments				
Patent Term A	djustment (PTA) for	Application Numb	per: 10/606,565		
Filing or 371(c	) Date:	06-26-2003	USPTO Delay (PTO) Delay	(days):	-
Issue Date of F	Patent:	-	Three Years:		-
Pre-Issue Petitions (days): Post-Issue Petitions (days): USPTO Adjustment(days):		-	Applicant Delay (APPL) Delay (days): Total PTA (days): Explanation Of Calculations		904
		-			
		-			
Patent Term	Adjustment His	tory	, , , , , , , , , , , , , , , , , , , ,		
Date	Contents Descrip	otion		PTO(Days)	APPL(Days)
03-26-2010	Mail Notice of Allov	vance			
03-25-2010	Document Verificat	tion			
03-25-2010	Notice of Allowance	e Data Verificatio	n Completed		
03-22-2010	Information Disclo	sure Statement o	onsidered		
03-22-2010	Information Disclosure Statement (IDS) Filed				
03-22-2010	Electronic Informat	tion Disclosure S	tatement		
03-22-2010	Request for Contin	Request for Continued Examination (RCE)			
03-23-2010	Disposal for a RCE	/ CPA / R129			
03-22-2010	Workflow - Reques	t for RCE - Begin			
02-24-2010	Mail Notice of Allov	vance			
02-24-2010	Document Verificat	tion			
02-23-2010	Notice of Allowance	e Data Verificatio	n Completed		
02-23-2010	Case Docketed to I	Examiner in GAU			
02-16-2010	Date Forwarded to	Examiner			
02-11-2010	Amendment after f	Final Rejection			
12-21-2009	Mail Final Rejection	n (PTOL - 326)			
12-17-2009	Final Rejection				
10-07-2009	Date Forwarded to	Examiner			
09-14-2009	Response after No	n-Final Action			2
10-07-2009	Case Docketed to I	Examiner in GAU			•
06-12-2009	Mail Non-Final Reje	ection			•
06-11-2009	Non-Final Rejection	n			
04-09-2009	Date Forwarded to	Examiner			
02-24-2009	Response after No	n-Final Action			
11-24-2008	Mail Non-Final Reje	ection			
11-21-2008	Non-Final Rejection	n			
10-05-2008	Case Docketed to B	Examiner in GAU			

New or Additional Drawing Filed

Request for Continued Examination (RCE)

Date Forwarded to Examiner

Date Forwarded to Examiner

08-11-2008 08-19-2008

08-19-2008

08-11-2008

08-19-2008	Disposal for a RCE / CPA / R129			
08-11-2008	Workflow - Request for RCE - Begin			
06-09-2008	Mail Final Rejection (PTOL - 326)			
06-09-2008	Final Rejection			
05-17-2008	Date Forwarded to Examiner			
04-28-2008	Response after Non-Final Action			
04-28-2008	Request for Extension of Time - Granted			
04-11-2008	Case Docketed to Examiner in GAU			
12-28-2007	Mail Non-Final Rejection			
12-26-2007	Non-Final Rejection			
12-11-2007	Date Forwarded to Examiner			
11-30-2007	Response after Non-Final Action			
11-30-2007	New or Additional Drawing Filed			
11-23-2007	Mail Notice of Informal or Non-Responsive RCE Amendment			
11-21-2007	Notice of Informal or Non-Responsive RCE Amendment.			
11-15-2007	New or Additional Drawing Filed			
11-21-2007	Date Forwarded to Examiner			
11-21-2007	Date Forwarded to Examiner			
11-15-2007	Request for Continued Examination (RCE)			
11-21-2007	Disposal for a RCE / CPA / R129			
11-15-2007	Workflow - Request for RCE - Begin			
10-04-2007	Case Docketed to Examiner in GAU			
08-20-2007	Mail Final Rejection (PTOL - 326)			
08-17-2007	Final Rejection			
04-16-2007	Information Disclosure Statement considered			
04-16-2007	Information Disclosure Statement considered			
06-21-2007	Date Forwarded to Examiner			
06-20-2007	Response after Non-Final Action			
04-16-2007	Electronic Information Disclosure Statement			
04-16-2007	Information Disclosure Statement (IDS) Filed			
04-16-2007	Information Disclosure Statement (IDS) Filed			
04-16-2007	Information Disclosure Statement (IDS) Filed			
03-21-2007	Mail Non-Final Rejection	937		
03-19-2007	Non-Final Rejection	1		
02-27-2007	Case Docketed to Examiner in GAU	1		
11-16-2006	Case Docketed to Examiner in GAU	•		
10-05-2006	Case Docketed to Examiner in GAU	1		
03-21-2006	Case Docketed to Examiner in GAU	<b>î</b>		
01-07-2005	Miscellaneous Incoming Letter	1		
07-06-2004	IFW TSS Processing by Tech Center Complete	1		
06-29-2004	Case Docketed to Examiner in GAU	1		

04-30-2004	Transfer Inquiry to GAU	ŵ
02-27-2004	Case Docketed to Examiner in GAU	1
09-25-2003	Application Return from OIPE	•
09-25-2003	Application Return TO OIPE	•
09-25-2003	Application Return from OIPE	•
09-25-2003	Application Is Now Complete	4
09-24-2003	Application Return TO OIPE	•
09-24-2003	Application Return from OIPE	•
09-25-2003	Application Is Now Complete	•
09-24-2003	Application Return TO OIPE	•
09-24-2003	Application Return from OIPE	•
09-24-2003	Application Is Now Complete	4
09-24-2003	Pre-Exam Office Action Withdrawn	1
09-24-2003	Application Return TO OIPE	4
09-24-2003	Application Dispatched from OIPE	•
09-24-2003	Application Is Now Complete	ŵ
09-10-2003	Cleared by OIPE CSR	4
09-09-2003	IFW Scan & PACR Auto Security Review	•
06-26-2003	Initial Exam Team nn	•

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